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SEP 16 2005

## FENWICK & WEST LLP

EMBARCADERO CENTER WEST | 275 BATTERY STREET | SAN FRANCISCO, CA 94111 TEL 415.875.2300 | FAX 415.281.1350 | WWW.FENWICK.COM

## **FACSIMILE TRANSMISSION**

### CONFIDENTIAL

DATE:

September 16, 2005

CLIENT-MATTER NUMBER: 22930-06082

Ta-

-	10.	Fax No.:	PHONE NO.:	
•	NAME:			
	Examiner Robert Pond	571-273-8300	571-272-6760	
	Group Art Unit 3625			
	Commissioner for Patents	<u> </u>		

FROM:

Colleen Chien

PHONE:

(415) 875-2319

RE:

Supplemental IDS

NUMBER OF PAGES WITH COVER PAGE:

MESSAGE:

Information Disclosure Statement

Applicants:

Richard V. Halbert et al.

App. No.:

09/677,095

Filing Date:

September 29, 2000

Title:

DYNAMIC MARKET EQUILIBRIUM MANGEMENT SYSTEN

Atty. Dkt. No. 22930-06082

### CAUTION - CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE OR ITS DESIGNEE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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22930/0608Z/SF/5151311.1



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SEP 16 2005

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# FACSIMILE TRANSMISSION

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DATE:

September 16, 2005

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To:

SEP-16-05

Name:	FAX No.:	PHONE NO.:
Examiner Robert Pond Group Art Unit 3625	571-273-8300	571-272-6760
Commissioner for Patents		

FROM:

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22930/06082/SF/5151311.1

# SEP 16 2005

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FEE	<b>TRANS</b>	MITT	Δ I					Сотр	lete if Known	
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1. BASIC FILING FEE Large Entity Small Entity			1252	450	2252	225			thin second month	<b>—</b> —
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UBMITTED BY					-					
Name (Distance of	Colleen V. Chien		-	Registra	tion No				Complete (If applicable)	
	Chieff V. Chief			(Attorne	V/Agent)	55,0	62		Telephone 415-875-231	9
Signature		~	_				D	ate	,	

September 16, 2005

SEP 16 2005

	T	Complete if Known
FEE TRANSMITTAL	Application Number	09/677,095
LEE HOURSHITTING	Filing Date	September 29, 2000
for FY 2005	First Named Inventor	Richard V. Halbert, et al.
	Examiner Name	Robert Pond
Patent fees are subject to annual revision.	Art Unit	3625
Applicant claims small entity status. See 37 CFR 1,27		22930-06082
TOTAL AMOUNT OF PAYMENT (\$) 180,00	Attorney Docket No.	22330-00002

FEE CALCULATION (continued)								
METHOD OF PA							- CONTROLL	
Check Credit ( Deposit Account:	Card Money Or	der Cother None	•	DITIONA			E - December of	B 5.14
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The Commissioner is	i .		1051	130	2051	65	Surcharge - late filing fee or dath or declaration	
Charge fee(s) ind	icated below 🔯 C	redit any overpayments	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	-
M Crome all regula	ed fee(s) or any uno	perpayment of fee(s) due	1053	130	1053	130	Non-English specification	
under 37 CFR §1	.16 or §1.17 during	the pendency of this	1812	2,520	1812	2,520	For filing a request for ex parte reexamination	<u> </u>
Charce fee(s) inc	licated below, exce	pt for the filing fee to	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action Requesting publication of SIR after Examiner action	'  <del></del>
the above-identif	ied deposit accoun		1805	1,840*		1,840° 60	Extension for reply within first month	
	EE CALCULA	rion	1251	120	2251	225	Extension for reply within second month	
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Í			1451	1.510	1451	1,510	Petition to Institute a public use proceeding	
		-	1452	500	2452	250	Petition to revive - unavoidable	
, s	UBTOTAL (1)	(\$)	1453	1,500	2453	750	Petition to revive - unintentional	
		ILITY AND REISSUE	1501	1.400	2501	700	Utility issue fee (or reissue)	
2. EXTRA CLAIR	F	on from Eng Oald	1502	800	2502	400	Design issue fee	
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Clatins Multiple Dependent	┚╸╌┞		1807	50	1807	50	Processing fee for Provisional Applications	
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	Fee Fee Desc	ription	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
Code (\$) Code 1202 50 2202	(\$) Claims in	excess of 20	1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1201 200 2201	100 Independ	lent claims in excess of 3	1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
	•		1801	790	2801	395	Request for Continued Examination (RCE)	
.250 +	100 ⊶Reissu	dependent claim, if not pald e independent claims over I patent	1802	900	1802	900	Request for expedited examination of a design application	
1205 50 2205	25 **Reissu	e claims in excess of 20 er original patent	Othe	r fee (spac	cify)			
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CUBNITIED BY			_				Complete (if applicable	<u> </u>
SUBMITTED BY Name (Print/Type)		n V. Chien		Reg	stration mey/Ag	No. 5	5,062 Telephone 415-875	-2319
, V III 1 / pu)	00.166			(>ac	<u>∝ustac∂</u>		Date	_
Signature		Ch	مع.	<b>~</b>	-		September 16	3, 2005

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

RICHARD HALBERT, ET AL.

RECEIVED **CENTRAL FAX CENTER** 

APPLICATION NO.:

09/677.095

SEP 16 2005

FILING DATE:

September 29, 2000

TITLE:

Dynamic Market Equilibrium Management System, Process And

Article Of Manufacture

**EXAMINER:** 

Robert Pond

GROUP ART UNIT:

3625

ATTY. DKT. NO .:

22930-06082

## CERTIFICATE OF MAILING

I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at 1-571-273-8300.

Dated: September 16,2805

By:

Colleen V. Chien, Reg. No.: 55,062

MAIL STOP AMENDMENT COMMISSIONER FOR PATENTS P.O. BOX 1450 **ALEXANDRIA, VA 22313-1450** 

## INFORMATION DISCLOSURE STATEMENT Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the metits, whichever event last occurred;

09/20/2005 MAHNED1 - 00000115-192555--

<del>-180-00-0</del>8 01<del>-FC:1806</del>

22930/06082/\$F/5151310.1

PAGE 3/7 \* RCVD AT 9/16/2005 9:03:00 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-6/25 \* DNIS:2738300 \* CSID:4152811350 \* DURATION (mm-ss):01-52

09677095

7.7 09/20/2005 MAHNED1 00000116 192555 180.00 DA

more than three months prior to the filing of this Statement;

Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and,

no item of information contained in this Information

415 281 1350

	to the knowledge of the person signing this certification after
	making reasonable inquiry, no item of information contained
	in this Statement was known to any individual designated
	under 37 CFR § 1.56(c) more than three months prior to the
	nung of this Statement; AND
	attached hereto is the fee set forth under 37 CFR \$1.17(p) for
	submission of this Information Disclosure Statement under 37 CFR.§
	1.57(d); OR
	after the payment of the issue fee. Applicant requests that the information
	contained in this information Disclosure Statement he placed in the file
	according to 37 CFR § 1.97(i), although the information may not be
_	considered by the USPTO.
Ш	Enclosed is a copy of each listed reference that may be material to the examination of
	approaching and for which there may be a duty to disclose
Ш	This application relies, under 35 U.S.C. § 120, on the earlier filing data as
	, and the references cited therein are house
	required to be provided in this application under 37 CFR 8
	1.76(u).
	This application was filed after June 30, 2003. Therefore, pursuant to the waiver of
	the requirements under 37 CFR 1.98(a)(2)(i), copies of each IIS. Patent and each
	o.s. I atent Application Publication are not required to be submitted. Conject of convergence
_	rotoign parent documents and non-patent literature cited herein are enclosed
	Each item of information contained in this Information Disclosure Statement was
	cheer in a communication from a foreign patent office in a counterpart ambiguities
	and the communication was not received by any individual designated in 37 CED s
	1.30(c) more than thirty days prior to the filing of this Information Disclosure
_	Statement. 57 CFR § 1.704(d).
	Applicant submits that no fee is required for the consideration of this Information
	Disclosure Statement.

**PATENT** 

Consideration of the listed references and favorable action are solicited.

Respectfully submitted, RICHARD HALBERT, ET. AL.

By:

Colleen V. Chicn, Reg. No.: 55,062

Fenwick & West LLP

Embarcadero Center West

275 Battery Street

San Francisco, CA 94111

Tel.: (415) 875-2319 Fax.: (415) 281-1350

PTO/SB/08A (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Trademark Office: U.S. DEPARTMENT OF COMMERCE
OMB Control number.

Substitute for form 1449A/PTO		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No. Filing Date	09/677,095 September 29, 2000
MEMORIAL DI ALI LICANI	First Named Inventor Art Unit	Richard V. Halbert, et al.
Sheet 1 of 1	Examiner Name Attorney Docket Number	Robert Pond 22930-06082

	<del>-</del>		U.S. PAT	ENT DOCUMENTS
		Document No.		
Examiner Initials*	Cite No.	Number - Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or
		U\$-096049774	04-2000	Applicant of Cited Document Roy
		U\$-5.377,095	12-1994	Maeda et al.
		US-5,873,069	02-1899	Reuhl et al.
		US-5,999,914	12-1999	Blinn et al.
		US-6,085,169	07-2000	Walker et al.
		US-6,101,484	08-2000	Halbert et al.
		US-5,141,653	10-2000	Conklin et al.
		US-6,141,666	10-2000	Tobin
		US-6,280,024	07-2001	Shkedy, Gary
		US-6,324,522 B2	11-2001	Peterson, et al.
	_	US-6,418,415	07-2002	Walker et al.
		US-6,473,740	10-2002	Cockfill et al.
		US-6,516,302	02-2003	Deaton et al.
:		US-6,831,356	10-2003	Van Horn et al.

	Τ		FOREIGN PATENT (	OCUMENTS	
	-	Foreign Patent Document			
Examiner Initials*	Cite No.1	Country Code <sup>3</sup> – Number <sup>4</sup> Kind Code <sup>5</sup> (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>o</sup>
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	Examiner Cite Initials No.1	OTHER REFERENCES - NON-PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magezine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), and item (book, magezine,		
		journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where	T <sup>0</sup>	ĺ
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Examiner Signature  Date Considered	
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22930/06082/SF/5151308.1

<sup>&</sup>quot;EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-lettor code (MPO Standard ST.3). \*For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document, <sup>3</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>4</sup>Applicant is to place a check mark here if English tanguage Translation is attached.

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE RECEIVED CENTRAL FAX CENTER

APPLICANT:

RICHARD HALBERT, ET AL.

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APPLICATION NO.:

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FILING DATE:

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Robert Pond

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Dated: September 16,2005

By:

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MAIL STOP AMENDMENT COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

# INFORMATION DISCLOSURE STATEMENT Under 37 CFR §§ 1.56 and 1.97-98

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This Information Disclosure Statement is being filed:

	within three months of the filing date of the application, or date of entry into
_	the national stage of an international application, or before the mailing date of
	a first office action on the merits, whichever event last occurred;

	before the mailing of a first official action after the filing of a request for							
	continued examination (RCE) under 37 CFR § 1.114;							
$\boxtimes$	after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under							
	37 CFR §1.113; or (2) an action that otherwise closes prosecution in the							
	application, and:							
	$\boxtimes$	attache	ed hereto is the fee set forth under 37 CFR §1.17(p) for					
			ssion of this Information Disclosure Statement under 37 CFR.§					
		1.97(c						
		Appli	cant certifies pursuant to 37 CFR § 1.97(e) that:					
			each item of information contained in this Information					
			Disclosure Statement was first cited in a communication from					
			a foreign patent office in a counterpart foreign application not					
			more than three months prior to the filing of this Statement;					
			OR					
			no item of information contained in this Information					
			Disclosure Statement was cited in a communication from a					
		•	foreign patent office in a counterpart foreign application and,					
			to the knowledge of the person signing this certification after					
			making reasonable inquiry, no item of information contained					
			in this Statement was known to any individual designated					
			under 37 CFR § 1.56(c) more than three months prior to the					
			filing of this Statement;					
П	on o	r before	the payment of the issue fee but after the mailing date of the first					
	to oc	cur of e	either: (1) a final action under 37 CFR § 1.113; (2) a notice of					
	aliov	vance w	nder 37 CFR § 1.311; or (3) an action that otherwise closes					
			in the application, and:					
		App!	licant certifies pursuant to 37 CFR. § 1.97(e) that:					
	-	П	each item of information contained in this Information					
			Disclosure Statement was cited in a communication from a					
			foreign patent office in a counterpart foreign application not					
			more than three months prior to the filing of this Statement;					
		П	no item of information contained in this Information					
		]	Disclosure Statement was cited in a communication from a					
	•		foreign patent office in a counterpart foreign application and,					

to the knowledge of the person signing this certification after

#### **PATENT**

	making reasonable inquiry, no item of information contained						
	in this Statement was known to any individual designated						
	under 37 CFR § 1.56(c) more than three months prior to the						
	filing of this Statement; AND						
	attached hereto is the fee set forth under 37 CFR §1.17(p) for						
	submission of this Information Disclosure Statement under 37 CFR.§						
٠	1.97(d); OR						
	after the payment of the issue fee. Applicant requests that the information						
	contained in this Information Disclosure Statement be placed in the file						
	according to 37 CFR § 1.97(i), although the information may not be						
	considered by the USPTO.						
	Enclosed is a copy of each listed reference that may be material to the examination of						
	this application, and for which there may be a duty to disclose.						
	This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior						
	application No, filed on, and the references cited therein are hereby						
	referenced, but are not required to be provided in this application under 37 CFR §						
	1.98(d).						
	This application was filed after June 30, 2003. Therefore, pursuant to the waiver of						
	the requirements under 37 CFR 1.98(a)(2)(i), copies of each U.S. Patent and each						
	U.S. Patent Application Publication are not required to be submitted. Copies of any						
	foreign patent documents and non-patent literature cited herein are enclosed.						
	Each item of information contained in this Information Disclosure Statement was						
	cited in a communication from a foreign patent office in a counterpart application,						
	and the communication was not received by any individual designated in 37 CFR §						
	1.56(c) more than thirty days prior to the filing of this Information Disclosure						
	Statement. 37 CFR § 1.704(d).						
	Applicant submits that no fee is required for the consideration of this Information						

Disclosure Statement.

**PATENT** 

Consideration of the listed references and favorable action are solicited.

Respectfully submitted, RICHARD HALBERT, ET. AL.

Dated: September 16, 2005

By:

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PTO/SB/08A (10-01)

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Substitute for form 1449APTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT			Ö	Complete if Known		
				Application No.	09/677,095	
				Filing Date	September 29, 2000	
			LICANT	First Named Inventor	Richard V. Halbert, et al.	
				Art Unit	3625	
				Examiner Name	Robert Pond	
Sheet	1 1	of	1	Attorney Docket Number	22930-06082	

			Ų.S. PATI	ENT DOCUMENTS
	]	Document No.		
Examiner Initials*	Cite No.1	Number – Kind Code <sup>2</sup> (If known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	1	US-098049774	04-2000	Roy
	<del> </del> -	US-5,377,095	12-1994	Maeda et al.
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		Foreign Patent Document			76
Examiner Initials*	Cite No.1	Country Code <sup>3</sup> – Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	1

		OTHER REFERENCES - NON-PATENT LITERATURE DOCUMENTS	
Examiner Initals	Cite No.	include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, scrial, symposium, catalog, etc.), date, page(s), volume-Issue number(s), publisher, city and/or country where published	T⁵
			<u> </u>

Examiner Date Considered	
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<sup>\*</sup>EXAMINER; Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through distion if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&#</sup>x27;Applicant's unique citation designation number (optional). \*See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 801.04. \*Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). \*For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Skind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 18 if possible. Applicant is to place a check mark here if English language Translation is attached. 22930/06082/SF/5151308.1